

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RANDY ALAN PETERSON,

Plaintiff,

v.

Case No. 03-C-1284

JOHN SCHOLKE,

Defendant.

ORDER

The plaintiff, Randy Alan Peterson, filed this civil rights action while incarcerated as a state prisoner pursuant to 42 U.S.C. § 1983. At the time the plaintiff filed the complaint, he was proceeding pro se, but he has since retained counsel. This matter comes before the court upon the defendant's Motion for Leave to Depose the plaintiff under Fed. R. Civ. P. 30(a)(2).

A party must obtain leave of the court, "which shall be granted to the extent consistent with the principles stated in Rule 26(b)(2)," if the person to be deposed is confined in prison. Fed. R. Civ. P. 30 (a)(2). In general, parties may obtain discovery regarding any matter that is relevant to the claim or defense of any party. Fed. R. Civ. P. 26(b)(1).

The defendant requests leave to depose the plaintiff, who is incarcerated at Fox Lake Correctional Institution, on November 8, 2005. Carl K. Buesing, counsel for the defendant, states that he desires to depose the plaintiff in preparation for trial. The plaintiff alleges that he was assaulted by another inmate at the Sheboygan County Detention Center, where the defendant was employed. Attorney Buesing indicates that the plaintiff's counsel, Stanley Davis, is aware of and approves of said

arrangement. After considering these arguments, the court is satisfied that the plaintiff's deposition may lead to the discovery of relevant material. See Fed. R. Civ. P. 26(b)(1). Accordingly, the defendant's motion for leave to depose the plaintiff is granted.

NOW, THEREFORE, IT IS ORDERED that the defendant's motion for leave to depose the plaintiff be and hereby is **granted**.

Dated at Milwaukee, Wisconsin this 4th day of November, 2005.

BY THE COURT:

s/AARON E. GOODSTEIN
United States Magistrate Judge